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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,782	02/09/2004	Edmund T. Kochling	81703A	8851

7590 07/28/2005

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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
3673	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,782	<b>Applicant(s)</b> KOCHLING, EDMUND T.	
	<b>Examiner</b> M. Safavi	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-24,28-30 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) 10,20-24,28-30 and 32-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9,11 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 6, 7, 9, 11, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fennessy, Sr. '690 in view of either of Ivey '047 or Loov '802 and further in view of either of Lowe '790 or Schmanski '743.**

Fennessy, Sr. discloses, Fig. 5, a curbside access ramp shaped to include a formed curb portion, (including groove, indent, slot, recess, etc. to delineate the curb portion 22 from the ramp portion 24). A sloped embankment is included with a middle portion of the curb set flush with the roadway. The access ramp assembly is of a configuration having a central ramp region 24 and a pair of side ramp regions sloping seamlessly from the central ramp region with the central ramp region sloping from an integrally formed curb portion 22 which curb portion includes a central region and side regions disposed on opposite ends of the central region while sloping gradually upwardly from the curb central region. Colored, textured identifying markers are at 26, including along opposite ends of a middle portion of the curb, identifying the location of the middle portion of the curb.

Each of Ivey and Loov teaches formation of a curbside module possessing a bottom having a recessed area while each of Lowe and Schmanski teach application of

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a groove, indent, slot, recess, etc. so as to delineate the central ramp region of the respective curbside access ramp from the curb portion as is well known in the paving industry, (i.e., sidewalk sections are delineated or separated from the curb section via a groove, indent, slot, recess, etc.). To have formed the Fennessy, Sr. access ramp section 22/24 with a lower recessed area, thus serving to produce a section of pavement with as little material as practical, as well as provide the Fennessy, Sr. access ramp with any of a groove, indent, slot, recess, etc., so as to delineate the central ramp region of the respective curbside access ramp from the curb portion as is well known in the paving industry, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by either of Ivey and Loov while further in view of either of Lowe and Schmanski. Loov particularly teaches formation of bottom slots capable of receiving straps as can be seen in Figs. 2-5, (slots extending between the support portions 18, 21, 22, 24, 25, etc.). Therefore, formation of such slots within Fennessy, Sr. while forming the lower recessed area, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Loov.

As for claim 7, forming the resulting Fennessy, Sr. ramp 22/24 with the central ramp region sloping from the curb portion 22 to the rear having a maximum slope of no greater than 1:12 and with the side ramp regions, (either sloping side of 24), sloping from the central ramp region to the respective rear left side and rear right side having a maximum slope of no greater than 1:10, thus allowing for a smooth transition between

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road surface and sidewalk, would have constituted a further obvious expedient to one of ordinary skill in the art.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fennessy, Sr. in view of either of Ivey or Loov and further in view of either of Lowe or Schmanski as applied to claims 1, 4, 6, 7, 9, 11, 17, 18, and 25-27 above, and further in view of Daigle or Ivey.**

Each of Daigle and Ivey teach application of steel reinforcement within a curbing/pavement structure with Ivey teaching steel reinforcement at 14 and Daigle teaching steel reinforcement at col. 1, lines 22-24. To have provided the modified Fennessy, Sr. pavement structure 22/24 including ramp 22 with steel reinforcing means, thus producing a substantially reinforced arrangement, would have constituted an obvious expedient to one of ordinary skill in the art as taught by either of Daigle and Ivey.

**Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fennessy, Sr. in view of either of Ivey or Loov and further in view of either of Lowe or Schmanski as applied to claims 1, 4, 6, 7, 9, 11, 17, 18, and 25-27 above, and further in view of Barrett.**

Barrett discloses utilization of identifying markers 40 along any extent of a curb construction. To have provided the modified Fennessy, Sr. pavement structure 2 or 2/5/6 with identifying markers along any extent of the curb portion 3 including at either

end of a central region of the curb portion, thus providing indicating means for any of various purposes such as utility locator, address locator, access area locator, etc., would have constituted an obvious expedient to one of ordinary skill in the art as taught by Barrett.

Claims 8 and 12-15 are allowed.

### ***Response to Arguments***

Applicant's arguments filed May 05, 2005 have been fully considered but they are not persuasive. Though Fennessy, Sr. may teach in situ formation of the access ramp one of ordinary skill in the art with the teachings of either of Ivey or Loov would have found it obvious to form the Fennessy, Sr. access ramp section 22/24 with a lower recessed area for the purpose of reducing the amount of material necessary to produce any given section of pavement. And, one of ordinary skill in the art with the teachings of either of Lowe or Schmanski would have found it obvious to form the Fennessy, Sr. access ramp section 22/24 with any of a groove, indent, slot, recess, etc., so as to delineate the central ramp region of the respective curbside access ramp from the curb portion as is well known in the paving industry. One of ordinary skill in the art viewing Fig. 1 of Lowe and Fig. 6 of Schmanski would realize that the curbing portion of a sidewalk/curb arrangement is delineated as by groove or spacing. As such, with Fennessy, Sr. teaching an integral "curb ramp", with curbing portion 22 and ramp portion 24, one of ordinary skill in the art with the teachings of either of Lowe or

Schmanski would have found it obvious to form the Fennessy, Sr. access ramp section 22/24 with any of a groove, indent, slot, recess, etc., so as to delineate the central ramp region of the respective curbside access ramp from the curb portion as is well known in the paving industry.

Claims 8 and 12-15 are allowed.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL SAFAVI  
PRIMARY EXAMINER  
ART UNIT 354**

M. Safavi  
July 22, 2005